

# **EXHIBIT 5**

State of South Carolina ) In the Court of Common Pleas  
                          )  
County of Hampton       ) Case No: 2017-CP-25-00348

Jessica S. Cook, Corrin F.      )  
Bowers & Son, Cyril B. Rush,    )  
Jr., Bobby Bostick, Kyle Cook,)  
Donna Jenkins, Chris Kolbe,    )  
and Ruth Ann Keffer, on behalf)  
of themselves and all other    )  
similarly situated,              )  
                                    )

Plaintiff(s),      ) Video Deposition

vs.                  ) of  
                          )  
                          ) Michael Crosby

South Carolina Public Service )  
Authority, an Agency of the    )  
State of South Carolina (also )  
known as Santee Cooper); W.    )  
Leighton Lord, III, in his    )  
capacity as chairman and      )  
director of the South Carolina)  
Public Service Authority;      )  
William A. Finn, in his      )  
capacity as director of the   )  
South Carolina Public Service )  
Authority; Barry Wynn, in his )  
capacity as director of the   )  
South Carolina Public Service )  
Authority; Kristofer Clark, in)  
his capacity as director of    )  
the South Carolina Public      )  
Service Authority; Merrell W. )  
Floyd, in his capacity as    )  
director of the South Carolina)  
Public Service Authority; J.    )  
Calhoun Land, IV, in his      )  
capacity as director of the   )  
South Carolina Public Service )  
Authority; Stephen H. Mudge,  )  
in his capacity as director of)  
the South Carolina Public      )  
Service Authority; Peggy H.    )  
Pinnell, in her capacity as   )  
director of the South Carolina)  
Public Service Authority; Dan  )  
J. Ray, in his capacity as    )

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1 accept yours, I mean, if you think that's an  
2 interpretation as well. It was a long rambling  
3 voicemail, so. I will tell you, though,  
4 Mr. Solomons, that just doesn't sync, your last  
5 scenario, because Marion worked in the trenches  
6 daily with Carlette and her whole team on  
7 invoices. And so he was in the trenches looking  
8 at invoices along with the whole team, and if  
9 there was anything awry there, Marion would have  
10 already known it. So the scenario just doesn't  
11 make logical sense to me.

12 Q Okay. I asked if you had read the transcripts of  
13 any depositions and you said no, correct?

14 A In preparation for this deposition, I have not.

15 Q Have you read them in any other?

16 A I have.

17 Q What depositions have you read?

18 A I recall reading a redacted version of Carlette  
19 Walker's. I read Ken Browne's deposition. These  
20 were depositions for the Public Service Commission  
21 hearing. And I read Gary Jones' deposition, who  
22 was ORS' expert.

23 Q When you read Ken Browne's, do you remember  
24 discussion in Ken Browne's deposition about Ken  
25 Browne doing some calculations in determining at

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1           the current rate that things were going it would  
2           take over 26 years to complete the project?

3           MR. CHALLEY: [Objection]

4           MS. THOMAS: [Objection]

5 A       I did a similar calculation.

6 Q       You had done a similar calculation?

7 A       If you looked at in the moment, the contractor's  
8       performance hadn't increased. And so when we  
9       started getting metric type data where you could  
10      do that -- I'm trying to think of the context I  
11      did it in -- but I had done a similar calculation  
12      myself. They were not making the progress  
13      month-over-month that they needed to make, and  
14      that's what we were working so hard to effect a  
15      change on. You know, I didn't check Kenny's math,  
16      and to be honest with you, I don't remember that  
17      as part of the deposition, but I did read the  
18      deposition.

19 Q       Do you know Ken Browne?

20 A       I do. I know him well.

21 Q       Is he honest?

22 A       He's a good guy, yes.

23 Q       Is he competent?

24 A       He's a good engineer.

25           MR. CHALLEY: [Objection]